

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 954

Introduced by Assembly Member Jones

February 26, 2009

An act to add Section 12929.5 to the Insurance Code, relating to the Insurance Commissioner.

LEGISLATIVE COUNSEL'S DIGEST

AB 954, as amended, Jones. Insurance commissioner: regulations.

Existing law authorizes the Insurance Commissioner to adopt regulations to facilitate the acceptance of documents submitted for filing or approval, the processing of transactions, and the maintenance of records.

This bill would state that, unless the specified exception for technical or ministerial rules, regulations, or insurance standards *recommended by the National Association of Insurance Commissioners (NAIC)* applies, the commissioner shall use the Administrative Procedures Act when adopting a rule, regulation, or insurance standard that is recommended by the ~~National Association of Insurance Commissioners, NAIC~~ as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12929.5 is added to the Insurance Code,
2 to read:

3 12929.5. (a) Except as provided in subdivision (b), the
4 commissioner shall use the Administrative Procedures Act (Chapter
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
6 Title 2 of the Government Code) when adopting a rule, regulation,
7 or insurance standard that is recommended by the National
8 Association of Insurance Commissioners (NAIC).

9 (b) Subdivision (a) does not apply to the adoption of a technical
10 or ministerial rule, regulation, or insurance standard that is
11 recommended by the NAIC. However, if a technical or ministerial
12 rule, regulation, or insurance standard that is recommended by the
13 NAIC is adopted by the commissioner without using the
14 Administrative Procedures Act, then that rule, regulation, or
15 insurance standard shall be posted on the department's Internet
16 Web site *at least 60 calendar days prior to its effective date.*